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File No. B. Motor/147

Legal DEPARTMENT

B BRANCH

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Subject:—

A Bill to amend the Motor Vehicles Act, 1939 in its Application to the Province of L.A. Bills No XIX Bombay act No VII of 1947

File No. B. Motor 147-48

Std. Sectt. Slip 24 B e.

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Office of the R.L.A.

The amendments are at page 21 of papers slipped 'Q'. The amendments marked 'A' in section 42(3)(a) and section 43(1)(d)(iii) so far as they refer to the use of or running of a bus service by a statutory board or a legally constituted body are ultra vires the Provincial Legislature. Incorporation etc. of trading corporations is a Central subject under entry 33 in List I. The incorporation of other corporations is a Provincial subject under entry 33 in List II. Since the proposed statutory body will be a trading corporation, this Legislature is not competent to enact any law on this subject.

2. The reference to applications for permits by a statutory board in the amendment of section 58(2) is by way of reference only, and there is no objection to make any such amendment, if and when the Central Legislation constituting such statutory boards is passed.

3. With regard to the proposed amendment of section 43(1)(d)(iv), portion marked 'B' on page 21, I think that compulsory acquisition, even on payment of the proper valuation, of transport vehicles, from their owners does not fall under entry 20 in List III. Such a provision has nothing to do with mechanically propelled vehicles or any other entry in Lists II and III. The Provincial Legislature will not, therefore, be competent to make any such provision.

4. The other amendments proposed at page 21 are intra vires.

5. Para.3 of Secretary, H.D's note at pages 14-15.- The view expressed by Secretary, H.D. is correct. Any provincial amendment repugnant to Motor Vehicles Act will necessitate the reserving of the Bill for the consideration

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of the Governor-General under section 107(2) of the Government of India Act, 1935, after it is passed; but it does not require the previous sanction of the Governor-General.

Sd. D.V.Vyas

Remembrancer of Legal Affairs.

U.R.to H.D.,No.816, dated.the 22nd January 1947.

MRP.
16/5/56.

Office of the R.L.A.

The requisite revised Bill is sent herewith.

2. As it is proposed to cancel permits, even though after three months' notice, H.D. might consider the desirability of making some provision for compensation as a matter of equity.

3. The proviso, proposed by H.D. at 'B' on page 42 to be substituted for the proviso to section 58 does not, I think, express the intention of Government clearly. I do not think it is necessary to take away the preference in favour of renewals under the existing provisions of section 58(2), except when a local authority or the State wants to step in. In any case, in view of the new section 58A suggested by the R.L.A. and approved both by the Law and Home Ministers, the H.D. amendment at 'B' on page 42 is not necessary. New section 58A in clause 10 at page 67 has been amplified so as to extend it to the Provincial Government as well.

4. The H.D. amendment at 'C' on page 43 ante has been omitted as being too drastic and inequitable. If necessary the duration of permits may be limited to one year by an amendment of the Act and the new State or local authority services should start after the expiry of the current permits.

5. The subject-matter of the Bill falls under entry 20 in List III in the Seventh Schedule to the Government of India Act, 1935. As the provisions of the Bill are repugnant to the provisions of the Motor Vehicles Act, 1939, which is an earlier Federal law relating to entry 20 in the said List III, it will be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

6. As the Bill involves the appointment of Government Officers as P.T.A. and R.T.As., the Bill would attract

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the provisions of section 82(3) of the Government of India Act, 1935, and requires recommendation of the Governor under the said section.

Sd. D.V.Vyas

Remembrancer of Legal Affairs.

U.R.to H.D.,No.1419, dated the 11th February 1947.

MRP.
16/5/56.

No.2564.

Legal Department,
Bombay Castle, 16th March 1947.

From

D.V.Vyas, Esquire, I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being presented to His Excellency the Governor, an authentic copy of a Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 27th February 1947 and 10th March 1947, respectively.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),(b),(c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entry 20 in List III in the Seventh Schedule to the Government of India Act, 1935.

4. As the provisions of the Bill are repugnant to the provisions of the Motor Vehicles Act, 1939, which is an earlier Federal law relating to entry 20 in the said List III, it will be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

5. I am also to forward herewith six copies of each of

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of the items Nos.1 to 3 and two copies of item No.4 of the papers noted in the margin. The Bill was not referred to a Select Committee.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.
3. Bill as read for the third time and passed by the Bombay Legislative Council.
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 25th, 26th and 27th February 1947 and of the Bombay Legislative Council dated the 10th March 1947.

6. I am to request you to inform the Governor General that the Government of Bombay is particularly anxious to have the Act published on or before the 18th March 1947 and to move His Excellency the Governor General to accord his assent to the Bill immediately and to communicate by telegram to the Legal Department the date on which His Excellency the Governor General's assent is given to enable this Department to publish the Act on or before the 18th March 1947 accordingly.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. D.V.Vyas,

Secretary to the Government of Bombay
Legal Department.

Through

the Secretary to the Government of Bombay,

Home Department.

MRP.
16/5/56.

IMMEDIATE.

No.G.S.567.
Governor's Secretary's Office,
Bombay, 23rd March 1947.

From

D. Symington, Esquire, CIE ICS,
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- The Motor Vehicles (Bombay Amendment) Bill, 1947.

Sir,

With reference to your letter No.2564, dated the 16th March 1947, forwarding for the assent of His Excellency the Governor-General, the Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay, I am directed to inform you that intimation has been received from the Secretary to the Governor-General (Public) that His Excellency the Governor-General has assented to the above Bill on Sunday the 23rd March 1947.

Yours obedient servant,

Sd. Ramos
for Secretary to the Governor of Bombay.

MRP.
16/5/56.

No.G.S.1038.

Office of the Governor's Secretary,
Government House,
Bombay, 29th March 1947.

From

D. Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- The Motor Vehicles (Bombay Amendment) Act, 1947.

Sir,

With reference to the correspondence resting with my letter No.G.S.567 of the 23rd of March, on the above subject, I am directed to forward herewith the authentic copy of the Motor Vehicles (Bombay Amendment) Bill, 1947, with His Excellency the Governor-General's assent signified thereon.

Your obedient servant,

Sd. D.Symington,
Secretary to the Governor of Bombay.

MRP.
16/5/56.

Bill.

A Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

GOVERNMENT OF BOMBAY.

Legal Department,

Resolution No.1461.

Bombay Castle, 12th February 1947.

Memorandum from the Home Department, dated the 12th February 1947.- Transferring for necessary action , the papers relating to a Bill to amend the ~~Bombay~~ Motor Vehicles Act, 1939, in its application to the Province of Bombay.

RESOLUTION.- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 12th February 1947, as Bill No.XIX of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette on the 14th February 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Sd. K.M.Chitnvis

Assistant Remembrancer of Legal Affairs.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Dill and the Statement of Objects and Reasons may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department),

The Home Department,)
The Oriental Translator to Government,) with a copy
The Secretary to the Bombay Legislative Assembly,) of the Bill
The Director of Publicity, Bombay,) and S.O.R.

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*With five extra copies of the Bill.

MRP.
16/5/56.

Acts.

Publication of the Motor Vehicles (Bombay Amendment) Act, 1947.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.2811.
Bombay Castle, 23rd March 1947.

Letter to the Secretary to the Governor, No.2564, dated the 16th March 1947.

Letter from the Secretary to the Governor No.G.S.567, dated the 23rd March 1947:

"With reference to your letter No.2564, dated the 16th March 1947, forwarding for the assent of His Excellency the Governor-General, the Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay, I am directed to inform you that intimation has been received from the Secretary to the Governor-General (Public) that His Excellency the Governor-General has assented to the above Bill on Sunday the 23rd March 1947."

RESOLUTION:- The law should be published as Bombay Act No.VII of 1947 in the Bombay Government Gazette dated the 23rd March 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada, and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department with reference to the memorandum from that Department dated the 12th February 1947.

By order of the Governor of Bombay,

Sd. D.V.Vyas
23-3-47.

Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department)

The Home Department,
The Oriental Translator to Government,
The Secretary to the Legislative Council,
The Secretary to the Legislative Assembly,
The Director of Publicity,
} with a copy of the Act.

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*With five extra copies of the Act.

L. A. BILL No. XIX OF 1947.

A Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 27th February 1947.)

(As read for the third time and passed by the Legislative Council on the 10th March 1947.)

IV of 1939.

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Motor Vehicles (Bombay Amendment) Act, 1947.

IV of 1939.

Amendment of section 42 of Act IV of 1939.

2. In section 42 of the Motor Vehicles Act, 1939 (hereinafter called the said Act), for clause (*a*) of sub-section (*3*), the following shall be substituted, namely:—

"(*a*) to any transport vehicle owned by or on behalf of the Central Government or a Provincial Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department;"

Amendment of section 43 of Act IV of 1939.

3. To sub-section (*1*) of section 43 of the said Act the following shall be added, namely:—

"

; or

(*iii*) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under the Act in

respect of a transport vehicle or class of such permits either generally or in any area specified in the notification:

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so:

Provided further that when any such permit has been cancelled, the permit holder shall be entitled to such compensation as may be provided in the rules; or

(*iv*) declare that it will engage in the business of road transport service either generally or in any area specified in the notification."

Amendment of section 44 of Act IV of 1939.

4. In sub-section (*2*) of section 44 of the said Act, the following provisos shall be added, namely :—

"Provided that if the Provincial Government so thinks fit the Provincial Transport Authority or a Regional Transport Authority may consist of a single official:

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the Provincial Government employing him has any financial interest in a transport undertaking."

Insertion of new section 44A in Act IV of 1939.

5. After section 44 of the said Act, the following new section shall be inserted, namely :—

Transport Officers to exercise notified powers.

"44A. Notwithstanding anything contained in this Act, the Provincial Government may by notification in the Official Gazette authorise the Provincial Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification."

Amendment of section 45 of Act IV of 1939.

6. To section 45 of the said Act, the following proviso shall be added, namely :—

"Provided that the Provincial Government may by notification in the *Official Gazette* direct that applications for such class of permits in such region as may be specified in the notification shall be made to the Provincial Transport Authority."

Amendment of section 47 of Act IV of 1939.

7. In section 47 of the said Act, in sub-sections (*1*) and (*2*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted.

8. In sections 48, 54(*d*), 55, 56, sub-sections (*2*), (*3*), (*4*), (*5*) and (*7*) of section 57 and sections 58 (*1*) and 64 (*a*) of the said Act, after the words "Regional Transport Authority" wherever they occur the words "or the Provincial Transport Authority" shall be inserted. Amendment of sections 48, 54, 55, 56, 57, 58 and 64 of Act IV of 1939.

9. After section 48 of the said Act, the following new section shall be inserted, namely :— Insertion of new section 48A in Act IV of 1939.

"48A. Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or the Provincial Transport Authority shall issue the stage carriage permit applied for by or on behalf of the Provincial Government or a local authority with the concurrence of the Provincial Government." Issue of stage carriage permit to Government or local authorities.

10. To section 58 of the said Act the following shall be added, namely :— Amendment of section 58 of Act IV of 1939.

"(*3*) Notwithstanding anything contained in sub-section (*1*) above, the Provincial Government may order a Regional Transport Authority or the Provincial Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in the Act."

11. After section 58 of the said Act, the following section shall be inserted, namely :— Insertion of new section 58A in Act IV of 1939.

"58A. Notwithstanding anything hereinbefore contained, the Provincial Government may by order direct any Regional Transport Authority or the Provincial Transport Authority to grant a stage carriage permit to the Provincial Government or any local authority specified in the order." Grant of permit to local authority.

12. In section 62 of the said Act,— Amendment of section 62 of Act IV of 1939.

(*i*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted ;

(*ii*) after clause (*c*) the following shall be inserted, namely :—

"

(*d*) pending decision on an application for the grant , or or renewal of a permit,"

Amendment of section 68 of Act IV of 1939.

13. After clause (*h*) of sub-section (*2*) of section 68 of the said Act, the following new clause shall be inserted, namely :—

"(*hh*) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle ;"

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XIX OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 27th February 1947.)

(As read for the third time and passed by the Legislative Council on the 10th March 1947.)

A Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

[Mr. Morarji Desai, M.L.A.]

MO-II Bk Hb 347—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XIX OF 1947.

A Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 27th February 1947.)

WHEREAS it is expedient to amend the Motor Vehicles Act, IV of 1939. 1939, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Motor Vehicles (Bombay Amendment) Act, 1947.

Amendment of section 42 of Act IV of 1939. **2.** In section 42 of the Motor Vehicle Act, 1939 (hereinafter called the said Act), for clause (*a*) of sub-section (*3*), the following shall be substituted, namely :— IV of 1939.

"(*a*) to any transport vehicle owned by or on behalf of the Central Government or a Provincial Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department ;"

Amendment of section 43 of Act IV of 1939. **3.** To sub-section (*1*) of section 43 of the said Act the following shall be added, namely :—

; or

(*iii*) notwithstanding anything contained in section 58 or section 60, cancel any permit granted under the Act in respect of a transport vehicle or class of such permits either generally or in any area specified in the notification :

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so :

MO-II Bk Hb 311—1

Provided further that when any such permit has been cancelled, the permit holder shall be entitled to such compensation as may be provided in the rules; or

(*iv*) declare that it will engage in the business of road transport service either generally or in any area specified in the notification."

Amendment of section 44 of Act IV of 1939.

4. In sub-section (*2*) of section 44 of the said Act, the following provisos shall be added, namely :—

"Provided that if the Provincial Government so thinks fit the Provincial Transport Authority or a Regional Transport Authority may consist of a single official :

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the Provincial Government employing him has any financial interest in a transport undertaking."

Insertion of new section 44A in Act IV of 1939.

5. After section 44 of the said Act, the following new section shall be inserted, namely :—

Transport Officers to exercise notified powers.

"44A. Notwithstanding anything contained in this Act, the Provincial Government may by notification in the Official Gazette authorise the Provincial Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification."

Amendment of section 45 of Act IV of 1939.

6. To section 45 of the said Act, the following proviso shall be added, namely :—

"Provided that the Provincial Government may by notification in the Official Gazette direct that applications for such class of permits in such region as may be specified in the notification shall be made to the Provincial Transport Authority."

Amendment of section 47 of Act IV of 1939.

7. In section 47 of the said Act, in sub-sections (*1*) and (*2*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted.

Amendment of sections 48, 54, 55, 56, 57, 58 and 64 of Act IV of 1939.

8. In sections 48, 54(*d*), 55, 56, sub-sections (*2*), (*3*), (*4*), (*5*) and (*7*) of section 57 and sections 58 (*1*) and 64 (*a*) of the said Act, after the words "Regional Transport Authority" wherever they occur the words "or the Provincial Transport Authority" shall be inserted.

9. After section 48 of the said Act, the following new section shall be inserted, namely :— Insertion of new section 48A in Act IV of 1939.

"48A. Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or the Provincial Transport Authority shall issue the stage carriage permit applied for by or on behalf of the Provincial Government or a local authority with the concurrence of the Provincial Government." Issue of stage carriage permit to Government or local authorities.

10. To section 58 of the said Act the following shall be added, namely :— Amendment of section 58 of Act IV of 1939.

"(3) Notwithstanding anything contained in sub-section (1) above, the Provincial Government may order a Regional Transport Authority or the Provincial Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in the Act."

11. After section 58 of the said Act, the following section shall be inserted, namely :— Insertion of new section 58A in Act IV of 1939.

"58A. Notwithstanding anything hereinbefore contained, the Provincial Government may by order direct any Regional Transport Authority or the Provincial Transport Authority to grant a stage carriage permit to the Provincial Government or any local authority specified in the order." Grant of permit to local authority.

12. In section 62 of the said Act,— Amendment of section 62 of Act IV of 1939.

(*i*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted ;

(*ii*) after clause (*c*) the following shall be inserted, namely :—

"

or

(*d*) pending decision on an application for the grant or renewal of a permit,"

13. After clause (*h*) of sub-section (2) of section 68 of the said Act, the following new clause shall be inserted, namely :— Amendment of section 68 of Act IV of 1939.

"(*hh*) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle ;"

STATEMENT OF OBJECTS AND REASONS.

It is proposed to amend the Motor Vehicles Act, 1939, for the purpose of enabling nationalisation or more correctly provincialisation of motor transport services in this Province in the manner described in the scheme for the nationalisation of road transport. The effect of these amendments when finally enacted will be to permit the Provincial Government or a Municipality or a local body so authorised by the Provincial Government to operate transport services for hire and profit and to eliminate private operators completely.

Dated 12th February, 1947. MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XIX OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 27th February 1947.)

A Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

[Mr. Morarji Desai, M.L.A.]

Mo-II Bk Hb 311—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XIX OF 1947.

A Bill to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay, for the purposes hereinafter appearing; it is hereby enacted as follows :—

IV of 1939.

1. This Act may be called the Motor Vehicles (Bombay Amendment) Act, 1947. Short title.

IV of 1939.

2. In section 42 of the Motor Vehicles Act, 1939 (hereinafter called the said Act), for clause (*a*) of sub-section (*3*), the following shall be substituted, namely :— Amendment of section 42 of Act IV of 1939.

" (*a*) to any transport vehicle owned by or on behalf of the Central Government or a Provincial Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department; "

3. To sub-section (*1*) of section 43 of the said Act the following shall be added, namely :— Amendment of section 43 of Act IV of 1939.

; or

(*iii*) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under the Act in respect of a transport vehicle or class of such permits either generally or in any area specified in the notification :

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so :

Provided further that when any such permit has been cancelled, the permit holder shall be entitled to such compensation as may be provided in the rules; or

(*iv*) declare that it will engage in the business of road transport service either generally or in any area specified in the notification ".

Amendment of section 44 of Act IV of 1939.

4. In sub-section (*2*) of section 44 of the said Act, the following provisos shall be added, namely :—

" Provided that if the Provincial Government so thinks fit the Provincial Transport Authority or a Regional Transport Authority may consist of a single official :

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the Provincial Government employing him has any financial interest in a transport undertaking."

Insertion of new section 44A in Act IV of 1939.

5. After section 44 of the said Act, the following new section shall be inserted, namely :—

Transport Officers to exercise notified powers.

" 44A. Notwithstanding anything contained in this Act, the Provincial Government may by notification in the Official Gazette authorise the Provincial Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification."

Amendment of section 45 of Act IV of 1939.

6. To section 45 of the said Act, the following proviso shall be added, namely :—

" Provided that the Provincial Government may by notification in the Official Gazette direct that applications for such class of permits in such region as may be specified in the notification shall be made to the Provincial Transport Authority."

Amendment of section 47 of Act IV of 1939.

7. In section 47 of the said Act, in sub-sections (*1*) and (*2*) after the words " Regional Transport Authority " the words " or the Provincial Transport Authority " shall be inserted.

Amendment of sections 48, 54, 55, 56, 57, 58 and 64 of Act IV of 1939.

8. In sections 48, 54 (*d*), 55, 56, sub-sections (*2*), (*3*), (*4*), (*5*) and (*7*) of section 57 and sections 58 (*1*) and 64 (*a*) of the said Act, after the words " Regional Transport Authority " wherever they occur the words " or the Provincial Transport Authority " shall be inserted.

9. After section 48 of the said Act, the following new section shall be inserted, namely :— Insertion of new section 48A in Act IV of 1939.

"48A. Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or the Provincial Transport Authority shall issue the stage carriage permit applied for by or on behalf of the Provincial Government or a local authority with the concurrence of the Provincial Government." Issue of stage carriage permit to Government or local authorities.

10. To section 58 of the said Act the following shall be added, namely :— Amendment of section 58 of Act IV of 1939.

"(3) Notwithstanding anything contained in sub-section (1) above, the Provincial Government may order a Regional Transport Authority or the Provincial Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in the Act."

11. After section 58 of the said Act, the following section shall be inserted, namely :— Insertion of new section 58A in Act IV of 1939.

"58A. Notwithstanding anything hereinbefore contained, the Provincial Government may by order direct any Regional Transport Authority or the Provincial Transport Authority to grant a stage carriage permit to the Provincial Government or any local authority specified in the order." Grant of permit to local authority.

12. In section 62 of the said Act,— Amendment of section 62 of Act IV of 1939.

(*i*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted;

(*ii*) after clause (*c*) the following shall be inserted, namely :—

"

, or

(*d*) pending decision on an application for the grant or renewal of a permit,"

13. After clause (*h*) of sub-section (2) of section 68 of the said Act, the following new clause shall be inserted, namely:— Amendment of section 68 of Act IV of 1939.

"(*hh*) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle;"

STATEMENT OF OBJECTS AND REASONS.

It is proposed to amend the Motor Vehicles Act, 1939, for the purpose of enabling nationalisation or more correctly provincialisation of motor transport services in this Province in the manner described in the scheme for the nationalisation of road transport. The effect of these amendments when finally enacted will be to permit the Provincial Government or a Municipality or a local body so authorised by the Provincial Government to operate transport services for hire and profit and to eliminate private operators completely.

Dated 12th February 1947.

(Signed) MORARJI DESAI.

By order of the Governor of Bombay,

K. M. CHITNVIS,
Assistant Remembrancer of Legal Affairs.

Bombay, dated 12th February 1947.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

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The following Act of the Bombay Legislature having been assented to by the Governor General on the 23rd March 1947 is hereby published for general information.

D. V. VYAS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. VII OF 1947.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 23rd March 1947.)

An Act to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

IV of 1939. WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Motor Vehicles (Bombay Amendment) Act, 1947.

IV of 1939. Amendment of section 42 of Act IV of 1939. **2.** In section 42 of the Motor Vehicles Act, 1939 (hereinafter called the said Act), for clause (*a*) of sub-section (*3*), the following shall be substituted, namely:—

"(*a*) to any transport vehicle owned by or on behalf of the Central Government or a Provincial Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department;"

Amendment of section 43 of Act IV of 1939. **3.** To sub-section (*1*) of section 43 of the said Act the following shall be added, namely:—

"

; or

(*iii*) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under the Act in

respect of a transport vehicle or class of such permits either generally or in any area specified in the notification:

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so:

Provided further that when any such permit has been cancelled, the permit holder shall be entitled to such compensation as may be provided in the rules; or

(*iv*) declare that it will engage in the business of road transport service either generally or in any area specified in the notification."

Amendment of section 44 of Act IV of 1939.

4. In sub-section (*2*) of section 44 of the said Act, the following provisos shall be added, namely :—

"Provided that if the Provincial Government so thinks fit the Provincial Transport Authority or a Regional Transport Authority may consist of a single official:

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the Provincial Government employing him has any financial interest in a transport undertaking."

Insertion of new section 44A in Act IV of 1939.

5. After section 44 of the said Act, the following new section shall be inserted, namely :—

Transport Officers to exercise notified powers.

"44A. Notwithstanding anything contained in this Act, the Provincial Government may by notification in the Official Gazette authorise the Provincial Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification."

Amendment of section 45 of Act IV of 1939.

6. To section 45 of the said Act, the following proviso shall be added, namely :—

"Provided that the Provincial Government may by notification in the Official Gazette direct that applications for such class of permits in such region as may be specified in the notification shall be made to the Provincial Transport Authority."

Amendment of section 47 of Act IV of 1939.

7. In section 47 of the said Act, in sub-sections (*1*) and (*2*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted.

8. In sections 48, 54(*d*), 55, 56, sub-sections (*2*), (*3*), (*4*), (*5*) and (*7*) of section 57 and sections 58 (*1*) and 64 (*a*) of the said Act, after the words "Regional Transport Authority" wherever they occur the words "or the Provincial Transport Authority" shall be inserted. Amendment of sections 48, 54, 55, 56, 57, 58 and 64 of Act IV of 1939.

9. After section 48 of the said Act, the following new section shall be inserted, namely :— Insertion of new section 48A in Act IV of 1939.

"48A. Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or the Provincial Transport Authority shall issue the stage carriage permit applied for by or on behalf of the Provincial Government or a local authority with the concurrence of the Provincial Government." Issue of stage carriage permit to Government or local authorities.

10. To section 58 of the said Act the following shall be added, namely :— Amendment of section 58 of Act IV of 1939.

"(*3*) Notwithstanding anything contained in sub-section (*1*) above, the Provincial Government may order a Regional Transport Authority or the Provincial Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in the Act."

11. After section 58 of the said Act, the following section shall be inserted, namely :— Insertion of new section 58A in Act IV of 1939.

"58A. Notwithstanding anything hereinbefore contained, the Provincial Government may by order direct any Regional Transport Authority or the Provincial Transport Authority to grant a stage carriage permit to the Provincial Government or any local authority specified in the order." Grant of permit to local authority.

12. In section 62 of the said Act,— Amendment of section 62 of Act IV of 1939.

(*i*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted ;

(*ii*) after clause (*c*) the following shall be inserted, namely :—

, or

(*d*) pending decision on an application for the grant or renewal of a permit,"

Amendment of section 68 of Act IV of 1939.

13. After clause (*h*) of sub-section (*2*) of section 68 of the said Act, the following new clause shall be inserted, namely :—

"(*hh*) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle ;"

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